

# REGISTER

*South Dakota Legislative Research Council*



*Volume 32*

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**NOTICES OF PROPOSED RULES:** (The date in parentheses is the date the rules were filed in the Legislative Research Council.)

***Department of Social Services:*** (February 24, 2006) has filed a rule amendment to update the federal poverty level for programs under Title 67. The federal poverty level is set in 72 Fed. Reg. 3,848 (January 24, 2006).

This rule is adopted under the procedure provided in SDCL 1-36-20. This procedure permits adoption of a federally mandated rule without following the procedures set forth in SDCL 1-26-4 to 1-26-6, inclusive.

***Department of Transportation:*** (February 27, 2006) intends to amend rules to establish a speed limit on South Dakota Highway 445 (Deadwood Avenue) from Interstate 90 to South Dakota Highway 231 (West Chicago Street) in Rapid City; amend an existing speed zone on US Highway 12 through the city of Big Stone City to extend reduced speed limits to the east and west of the city; establish new speed limits north of Big Stone City along State Highway 109; and amend the Extended Period Permit - Over 80,000 on Interstate Permit from a single trip permit to an extended period permit. The general authority for these rules, as cited by the department, is SDCL 32-25-7, 32-22-39, and 32-22-42.

A public hearing will be held in the commission room of the Becker-Hansen Building, 700 E. Broadway Avenue in Pierre, South Dakota, on March 23, 2006, at 9:05 a.m. CST. Copies of the proposed rules may be obtained without charge from and written comments sent to the Secretary of Transportation, Becker-Hansen Building, 700 East Broadway Avenue, Pierre, South

Dakota 57501-2586. Material sent by mail must reach the department by March 22, 2006, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3265 at least 48 hours before the hearing.

***Department of Labor: Division of Labor and Management:*** (March 1, 2006) is proposing to update the workers' compensation fee schedule. The general authority for these rules, as cited by the department, is SDCL 62-7-8.

A public hearing will be held in the Kneip Building, Conference Room #3, 700 Governors Drive, Pierre, South Dakota, on March 30, 2006, at 9:00 a.m., CST. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Department of Labor, Division of Labor and Management, Kneip Building, 700 Governors Drive, Pierre, South Dakota 57501-2291 or at the department's website [www.sdjobs.org](http://www.sdjobs.org). Material sent by mail must be received by April 10, 2006, to be considered. Persons who have special needs for which the division can make arrangements are asked to call (605) 773-3681 before the hearing.

***Department of Education: Board of Education:*** (March 1, 2006) intends to amend rules that will create K-12, K-8, and 7-12 special education certification endorsement programs; require that the unit of credit and letter grade for any high school courses taken in the eighth grade be recorded on high school transcripts, that the unit of credit be included in the credits required for high school graduation, and that the letter grade calculated in the high school cumulative grade point average; reinstate

a rule that was previously repealed because the rule supported the South Dakota Career Assessment Program (SDCAP), an aptitude and interest assessment that is currently administered to South Dakota eighth- and ninth-grade students. The general authority for these rules, as cited by the board, is SDCL 1-45-13, 13-1-12.1, 13-3-47, 13-5-34, and 13-42-3.

A public hearing will be held in Conference Room 3 of the Kneip Building at 700 Governors Drive, Pierre, South Dakota, on March 20, 2006, at 2:00 p.m. CDT. Copies of the proposed rules may be obtained without charge online at <http://doe.sd.gov/secretary/adminrules/index.asp> or from the Department of Education, South Dakota Board of Education, 700 Governors Drive, Pierre, South Dakota 57501-2291. Written comments may be sent to the board at the address above and must be received by March 20, 2006, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3426 at least 48 hours before the hearing.

**Department of Agriculture:** (March 2, 2006) has filed rules to maintain interstate shipment of milk and milk products and maintain a safe and wholesome dairy product for the consumer. The general authority for these rules, as cited by the department, is SDCL 39-1-4, 39-6-9, 39-8-3, 39-8-4, 39-8-10, and 40-32-18.

A public hearing will be held at the Governors Inn Conference Room, 700 West Sioux Ave., Pierre, South Dakota, on April 12, 2006, at 10:30 a.m. Copies of the proposed rules may be obtained from and written comments sent to South Dakota Department of Agriculture, Division of Agricultural Services, 523 E. Capitol Avenue, Pierre, South Dakota 57501. Material sent by mail must reach the department by April 10, 2006, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements

are asked to call (605) 773-3796 at least 48 hours before the public hearing.

**Department of Agriculture: South Dakota Weed & Pest Commission:** (March 2, 2006) has filed a rule to add Field Bindweed and remove Salt cedar from the local noxious weed list. The general authority for this rule, as cited by the department, is SDCL 38-22-9 and 38-22-11.1.

A public hearing will be held at the Governors Inn Conference Room, 700 West Sioux Ave., Pierre, South Dakota, on April 12, 2006, at 1:00 p.m. Copies of the proposed rule may be obtained from and written comments sent to South Dakota Department of Agriculture, Division of Agricultural Services, Weed & Pest Control, 523 E. Capitol Avenue, Pierre, South Dakota 57501. Material sent by mail must reach the department by April 10, 2006, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3796 at least 48 hours before the public hearing.

**NOTICE: The Medicaid Pharmaceutical and Therapeutics Committee** is meeting Friday, March 31, 2006, at 12:30 p.m. at the Sheraton Hotel, Sioux Falls, South Dakota. A copy of the agenda is available at: <http://www.hidsdmedicaid.com/>. For additional information contact the Department of Social Services, Division of Medical Services at (605) 773-3495.

## **FILINGS IN THE SECRETARY OF STATES OFFICE:** (None)

Note: A copy of the rules may be obtained directly from the above agencies. Write to the agency at the address given under "Notices of Proposed Rules." There is no charge for proposed rules. The following agencies have permission from the Interim Rules Review Committee to charge for adopted rules: the Division of Insurance, the Cosmetology Commission, the State Board of Examiners in Optometry, the State Plumbing Commission, the Board of Nursing, the Department of Social Services, the State Electrical Commission, the South Dakota Board of Pharmacy, the Real Estate Commission, the Gaming Commission, the Department of Revenue and Regulation, and the Department of Labor for Article 47:03.

## REMINDER OF HEARINGS SCHEDULED

3-14-2006	Revenue and Regulation: Commission on Gaming	Amend Deadwood Gambling Rules to change Silverado Stud poker to add another hand to the five-card hand payout schedule known as the two-pair-dealt hand and amend check cashing procedures to clarify that licensees need not deposit a check by the next banking day when they have a contractual arrangement with a check processor or check guarantee service; 32 SDR 141.
3-20-2006	Education: Board of Education	Amend rules that will create K-12, K-8, and 7-12 special education certification endorsement programs; require that the unit of credit and letter grade for any high school courses taken in the eighth grade be recorded on high school transcripts, that the unit of credit be included in the credits required for high school graduation, and that the letter grade calculated in the high school cumulative grade point average; reinstate a rule that was previously repealed because the rule supported the South Dakota Career Assessment Program (SDCAP), an aptitude and interest assessment that is currently administered to South Dakota eighth- and ninth-grade students; 32 SDR 149.
3-23-2006	Transportation	Amend rules to establish a speed limit on South Dakota Highway 445 (Deadwood Avenue) from Interstate 90 to South Dakota Highway 231 (West Chicago Street) in Rapid City; amend an existing speed zone on US Highway 12 through the city of Big Stone City to extend reduced speed limits to the east and west of the city; establish new speed limits north of Big Stone City along State Highway 109; and amend the Extended Period Permit—Over 80,000 on Interstate Permit from a single trip permit to an extended period permit; 32 SDR 149.
3-30-2006	Labor: Division of Labor and Management	Amend the workers' compensation fee schedule; 32 SDR 149.
4-4-2006	Environment and Natural Resources: Operator Certification Program	Amend rules to modify the experience requirement for a water/wastewater operator that does not have applicable post-high school education in order to become certified as a Class III or IV operator. Applicable post-high school education includes "college or vocational school majoring in engineering, environmental sciences, or related fields"; 32 SDR 135.

4-12-2006	Agriculture	Amend rules to maintain interstate shipment of milk and milk products and maintain a safe and wholesome dairy product for the consumer; 32 SDR 150.
4-12-2006	Agriculture: Weed & Pest Commission	Amend a rule to add Field Bindweed and remove Salt cedar from the local noxious weed list; 32 SDR 150.

### RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Wednesday, April 19, 2006, in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2006 interim: May 16, June 13, August 29, September 28, December 5, and January 8, 2007.

**Note:** An updated version of the Administrative Rules Guide to Form and Style is available at the LRC office and on the Legislative Web site.